



## **Privacy Public Interest (Enhancing Privacy Protection) Amendment and Repeal Determination 2014**

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I, Timothy Pilgrim, Privacy Commissioner, make this determination under the *Privacy Act 1988* and the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.

Dated: 6 March 2014

Signed

Timothy Pilgrim  
Privacy Commissioner

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## **1 Name of determination**

This determination is the *Privacy Public Interest (Enhancing Privacy Protection) Amendment and Repeal Determination 2014*.

## **2 Commencement**

This determination commences on 12 March 2014.

## **3 Authority**

- (1) Schedules 1 to 4 to this determination are made under subitem 12(3) of Schedule 6 to the *Privacy Amendment (Enhancing Privacy Protection) Act 2012*.
- (2) Schedule 5 to this determination is made under section 72 of the *Privacy Act 1988*.

## **4 Schedule(s)**

Each instrument that is specified in a Schedule to this determination is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this determination has effect according to its terms.

## Schedule 1

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***Privacy Act 1988 – Part VI Public Interest Determination No. 3A (PID 3A)***  
**dated 22 August 1991 (Federal Register of Legislative Instruments (FRLI)**  
**Identifier F2008B00567)**

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<b>Item</b>	<b>Amendment</b>
1	<b>Paragraph before paragraph heading “Act or Practice Permitted”:</b>  Omit ‘Information Privacy Principle 11.1’, substitute ‘Australian Privacy Principle 6.1’.
2	<b>Subsection 2(6):</b>  Omit ‘Information Privacy Principles’, substitute ‘Australian Privacy Principles’.
3	<b>Subsection 2(6):</b>  Omit ‘Information Privacy Principle 11.3 (limiting re-use and re-disclosure)’, substitute ‘Australian Privacy Principle 6.1 (use or disclosure of personal information)’.
4	<b>Subsection 2(6):</b>  Omit ‘the Privacy Commissioner’s role’, substitute ‘the Australian Information Commissioner’s role’.
5	<b>Subsection 2(8):</b>  Omit ‘Privacy Commissioner’s office’, substitute ‘Office of the Australian Information Commissioner’.
6	<b>Section 3:</b>  Omit ‘The Privacy Commissioner shall monitor’, substitute ‘The Australian Information Commissioner shall monitor’.

## Schedule 2

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***Privacy Act 1988 – Public Interest Determination No. 5 dated 29 April 1991  
(FRLI Identifier F2008B00569)***

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<b>Item</b>	<b>Amendment</b>
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<b>1</b>	<b>Paragraph headed 'Relating to':</b>
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Omit 'Information Privacy Principle 11', substitute 'Australian Privacy Principle 6.1'.

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### Schedule 3

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**Privacy Act 1988 – Public Interest Determination No. 12 – Collection of Family, Social and Medical Histories dated 29 November 2011  
(FRLI Identifier F2011L02569)**

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<b>Item</b>	<b>Amendment</b>
1	<p><b>Relevant National Privacy Principle heading:</b></p> <p>Omit '<b>Relevant National Privacy Principle:</b> National Privacy Principle 10.1',</p> <p>substitute '<b>Relevant Australian Privacy Principle:</b> Australian Privacy Principle 3.3'.</p>
2	<p><b>Paragraph (2)</b></p> <p>Omit 'person responsible*', substitute 'responsible person*'</p>
3	<p><b>Paragraph (2)(d):</b></p> <p>Omit 'person responsible', substitute 'responsible person'.</p>
4	<p><b>Subsections (3) and (4):</b></p> <p>Omit 'National Privacy Principle 10.1', substitute 'Australian Privacy Principle 3.3'.</p>
5	<p><b>Definition after subsection (5):</b></p> <p>Omit "<i>person responsible</i>" has the same meaning as defined in National Privacy Principle 2.5 and 2.6', substitute "<i>responsible person</i>" has the same meaning as defined in section 6AA of the Privacy Act'.</p>
6	<p><b>Paragraph after Definition</b></p> <p>Omit 'My reasons for making this determination are attached.'</p>

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**7      Attachment: Statement of Reasons Public Interest Determination  
No. 12 Collection of Family, Social and Medical Histories**

Omit the Attachment.

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## Schedule 4

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**Privacy Act 1988 – Public Interest Determination – No. 12A Collection of Family, Social and Medical Histories dated 29 November 2011 (FRLI Identifier F2011L02573)**

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<b>Item</b>	<b>Amendment</b>
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<b>1</b>	<b>Relevant National Privacy Principle heading:</b>
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Omit '**Relevant National Privacy Principle:** National Privacy Principle 10.1',

substitute '**Relevant Australian Privacy Principle:** Australian Privacy Principle 3.3'.

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<b>2</b>	<b>First paragraph</b>
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Omit 's16A of the Privacy Act if, while Public Interest Determination No. 12 is in force,' substitute 'section 15 of the Privacy Act if'.

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<b>3</b>	<b>First paragraph</b>
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Omit 'that is the subject of Public Interest Determination No. 12', substitute 'that is the subject of Public Interest Determination No. 12 Collection of Family, Social and Medical Histories dated 29 November 2011 (FRLI Identifier F2011L02569)'.

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<b>4</b>	<b>Second paragraph</b>
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Omit 'Public Interest Determination No. 12 is attached.'

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<b>5</b>	<b>Attachment: Public Interest Determination No. 12 (including Attachment Statement of Reasons Public Interest Determination No. 12)</b>
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Omit the Attachment.

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## Schedule 5

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### Repeal of Public Interest Determinations

The following instruments are repealed.

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<b>Item</b>	<b>Instrument name</b>	<b>FRLI identifier</b>
1	Privacy Act 1988 Part VI Public Interest Determination No. 4 (PID 4) dated 29 April 1991	F2008B00568
2	Privacy Act 1988 Public Interest Determination No. 7 dated 10 November 1997	F2008B00570
3	Privacy Act 1988 (Part VI) Public Interest Determination No. 8 dated 22 March 2002	F2008B00572
4	Privacy Act 1988 – Part VI – Public Interest Determination No. 11 – Collection and use of contact details of genetic relatives to enable use or disclosure of genetic information dated 16 November 2010	F2010L03092
5	Privacy Act 1988 – Part VI – Public Interest Determination No. 11A – Collection and use of contact details of genetic relatives to enable use or disclosure of genetic information dated 16 November 2010	F2010L03091
6	Privacy Act 1988 Part VI – Public Interest Determination No. 13 Disclosure and collection of personal information to improve outcomes for children and young people at risk of	F2012L00330

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serious harm dated 7 February 2012

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7	Privacy Act 1988 Part VI – Public Interest Determination No. 13A – Disclosure and collection of personal information to improve outcomes for children and young people at risk of serious harm dated 7 February 2012	F2012L00331
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